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| 10/511,364 | 10/14/2004 | Sebastian Egner | NL 020974 | 8668 |

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| EXAMINER |
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PHAM, LAM P

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| ART UNIT | PAPER NUMBER |
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2612

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08/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/511,364 | Applicant(s) EGNER ET AL. | |
| | Examiner Lam P. Pham | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Title of the invention

The following is suggested to the title of invention: title should be centered and capitalized on page 1.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification.

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 4-7, 11, 14, 16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Giubbolini et et al.** (US 4,523,291).

Giubbolini disclose a method for identifying an environmental source (radar station) emitting a base frequency and waveform signal, the method comprising the steps of:

a) measuring the waveform signal (ac component) of the source in a predetermined time-interval;

b) estimating the emitted waveform characteristic (frequency) of the measured waveform;

c) determining a number of actions (storing, processing) based on the estimated characteristic as seen in figures 1-2; col. 2, lines 11 to col. 4, lines 61.

Re claim 4, Giubbolini discloses a fast Fourier transform derives the base frequency of the estimated waveform characteristic as seen in figure 1; col. 3, lines 19-48.

Re claim 5, Giubbolini disclose the undesired signals (white noises) may be suppressed as seen in col. 3, lines 55-65.

Re claim 6, Giubbolini disclose the base frequency is refined by finding a maximum in an autocorrelation function of the estimated waveform characteristic as seen in col. 4, lines 15-37.

Re claim 7, Giubbolini disclose the estimated waveform characteristic is computed by averaging a number of estimated waveform characteristics as seen in col. 4, lines 38-54.

Re claim 11, Giubbolini disclose the method may predict and suppresses a specific periodic signal (white noises) as seen in col. 3, lines 55-65.

Re claim 14, Giubbolini disclose the environmental source is a source emitting electromagnetic signals (radar signals).

Re claim 16, Giubbolini disclose a system for identifying an environmental source emitting a base frequency and waveform signal, the system comprising means for:

- a) measuring the waveform signal of the source in a predetermined time-interval;
- b) estimating the emitted waveform characteristic of the measured waveform;
- c) determining a number of actions based on the estimated characteristic as seen in Figures 1-2; col. 2, lines 11 to col. 4, lines 61.

Re claim 19, Giubbolini disclose a computer readable medium containing a program for making a processor carry out the method of claim 1 as seen in col. 4, lines 38-56.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 8-10, 12, 13, 15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giubbolini et al. (US 4523291).

Re claim 2, Giubbolini fail to disclose the determined number of actions comprises comparison of the waveform characteristic with a unique waveform characteristic with affiliated information stored in a memory.

Since the scope of the invention encompassing detecting and counter measuring a radar station from detecting a target using a frequency detecting device for detecting the operating frequency of radar station and sending out an interfering signal to countermeasure the detection of radar station, it would have been obvious to one of ordinary skilled in the art to store operating frequency and waveform signal of the detected radar station as unique waveform characteristic with affiliated information relating to a location of the radar station, in order to facilitated fast response of the system next time the frequency detecting device encounters a radar station operating at same operating frequency having characteristics with information indicating a location by comparing the waveform characteristics of incident source with a unique waveform characteristic with affiliated information in memory.

Re claim 3, Giubbolini would disclose the affiliated information comprises location parameters as seen in claim 2 explanation.

Re claim 8, Giubbolini fail to disclose a phase shift is applied to the estimated waveform. However, it has been known in signal processing to apply a phase shift, amplitude amplification, frequency shift and others to the signals in order to derive the most accurate signals. Therefore, it would have been obvious to one of ordinary skilled in the art to apply a phase shift to processing as desired to achieve best result.

Re claim 9, Giubbolini disclose the determined action comprises storing of the estimated waveform characteristic as a unique waveform characteristic as seen in claim 2 for explanation.

Re claim 10, Giubbolini disclose the method allows locating a relative orientation of a detector device and the environmental source by use of two or more emission detectors as seen in claim 2 explanation.

Re claims 12, 13, 15, Giubbolini fail to disclose the environmental source is a source emitting light, a source emitting sonic signals, a source emitting mechanical movement signals.

Since Giubbolini disclose in particular the device for identifying a radar source emitting electromagnetic signals and further suggest that the device could be used for estimating the fundamental frequency of any basically periodic incident signals (as seen in col. 4, lines 57-61), it would have been obvious to one of ordinary skilled in the art to recognize that Giubbolini' device could also be used to identify environmental source

comprising a light source, a sonic source and a mechanical source emitting periodic signals as well.

Re claim 17, referring to claim 2 for explanation.

Re claim 18, referring to claim 3 for explanation.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Neilson (US 3940692) disclose an apparatus for monitoring recurrent waveforms.

Metalis et al. (US 5798695) disclose impaired operator detection and warning system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 10AM-7PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lam P Pham
Examiner
Art Unit 2612

July 23, 2007.


BENJAMIN C. LEE
PRIMARY EXAMINER